Motion to advance.

Filed Sept. 17, 1900

Supreme Court of the United States

OCTOBER TERM, 1900.

No. 419.

FOURTEEN DIAMOND RINGS, EMIL J. PERRET,
CLAIMANT, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

MOTION TO ADVANCE.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1900.

FOURTEEN DIAMOND RINGS, EMIL J. PEPKE,
CLAIMANT, PLAINTIFF IN ERROR,

vs.

UNITED STATES OF AMERICA, DEFENDANT IN ERROR.

UNITED STATES OF AMERICA, *ss:*

The plaintiff in error moves the court to advance this cause on the ground that it is one of great public interest, involving the constitutionality of the imposition of customs duties upon articles of merchandise brought to one of the States of the Union from the Philippine islands after the exchange of ratification and proclamation of the treaty of peace between the Kingdom of Spain and the United States.

The record shows that the respondent in the court below was a soldier in the Army of the United States stationed in the island of Luzon; that while in such island in that capacity, and after the exchange of the ratification of said treaty, he purchased the diamond rings against which the information was filed. He afterwards brought said diamonds, while still in the service of the United States, by way of a United States vessel transporting his regiment to the port of San Francisco, where he was mustered out. Later he came with the diamonds to Chicago, Illinois, where they

were seized by the customs officers under the claim that the Philippine islands were foreign territory, and that merchandise brought therefrom, as herein stated, was subject to customs duties, which were not paid by the respondent.

The facts concerning the purchase and bringing to the State of Illinois of the merchandise in question were fully stated in a plea to the information filed by the respondent, wherein he claimed that the imposition of customs duties upon the merchandise in question was contrary to the Constitution of the United States and in violation of his rights thereunder.

The plea shows that the respondent was born a citizen of the United States and went into the service of his country in the Spanish war, enlisting in the First North Dakota Volunteer Infantry.

The facts set up by this plea were admitted by demurrer filed by the United States, and the court below sustained this demurrer and overruled the plea, entering judgment of forfeiture against the merchandise thus seized and directing that it be sold in accordance with the law.

From this action of the court this writ of error is prosecuted, and it is respectfully submitted that the principles involved are so far reaching in their consequences that the case should be advanced and set for early hearing.

CHARLES H. ALDRICH,
LAWRENCE HARMON,
Attorneys for Plaintiff in Error.

[Endorsed:] File No., 17,904. Supreme Court U. S., October term, 1900. Term No., 419. Fourteen Diamond Rings, Emil J. Pepke, claimant, pl'ff in error, *vs.* The United States. Motion of plaintiff in error to advance. Office Supreme Court U. S. Filed Sep. 17, 1900. James H. McKenney, clerk.

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